

REMARKS

After entry of this amendment, claims 1, 4-7, 9-31 and 33-42, will be pending. Applicants thank the Examiner for her acknowledgement that claims 15-19 and 21-26 were allowed as written, that claims 3, 6-9, 20, 32 and 35-37 contain allowable subject matter and would be allowed if rewritten and/or amended to correct antecedent basis issues. Claim 1 has been amended to incorporate the subject matter of allowable claim 3. Claim 5 has been amended to be independent and to incorporate the subject matter of allowable claim 8. Claim 27 has been amended to incorporate the subject matter of allowable claim 32. Claim 9 has been amended to change its dependency to claim 5. Claim 20 has been amended to correct an antecedent basis problem. Claims 2, 3, 8, 32 and 43-56 have been cancelled.

Applicants do not agree with the restriction requirement but it is moot in view of the claim cancellations.

The Examiner's rejections under 35 U.S.C. §112, second paragraph are believed moot in view of the foregoing amendments.

Likewise, the Examiner's rejection based on the prior art are believed moot in view of the foregoing amendments.

These amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art. While the Applicants disagree with the Examiner's characterization of the present claims and the prior art, the Applicants wish to allow the case to go to issuance as soon as possible.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants reserve the right to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.


Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-1097 for any fee which may be due.

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